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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,677	09/10/1999	TETSURO MOTOYAMA	5244-0099-2X	3114

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, NHON D

ART UNIT PAPER NUMBER

2179

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/393,677	Applicant(s) MOTOYAMA ET AL.	
	Examiner Nhon (Gary) D. Nguyen	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17,19-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17,19-25 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action, via the Appeal Brief filed 05/27/2005, is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3-9, 11-17, 19-25, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varga et al. ("Varga", US 6,181,981).

As per claims 1, 9, 17, 25, Varga teaches a computer implemented method and corresponding system for monitoring usage of an interface of a device comprising the steps/means:

A device comprising an interface, the interface comprising a plurality of operations to be selected by a user (e.g., fig. 1; plurality of interface operations such as *cash receiving 20* and *goods selection 45* are selected by a user);

a monitoring unit (fig. 1; *monitoring points 70*) configured to monitor data of selecting of the plurality of operations of the interface by the user (col. 4, lines 36-42), and to generate the monitored data (col. 4, lines 44-49), the monitored data being stored in the device (reporting data is inherently stored in the memory of the vending machine), and to automatically start the monitoring without requiring a connection to a receiving device to which the log of monitored data is to be sent (e.g., col. 2, line 65 – col. 3, line 13; *self-monitoring vending machine*); the monitored data being in a form of an abstract class (e.g., col. 6, lines 8-20; *the standard reporting format data* is a form of an abstract class);

a communicating unit configured to receive an object (col. 6, lines 17-20; *communications means 200*) derived from the abstract class including the monitored data (e.g., col. 6, lines 8-20; *the standard reporting format data*), and to automatically communicate the monitored data by a unidirectional communication without requiring input from the device to which the monitored data is to be sent (e.g., col. 2, line 65 – col. 3, line 13; *self-monitoring vending machine*).

Varga does not explicitly disclose the monitored data being stored as a log of the monitored data. The Examiner takes Official notice that storing monitored data in a log file would have been obvious to one of ordinary skill in the art since users can go back to the log file anytime to review the status of the monitored data. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a log file storing the monitored

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data in Varga's system since it would have helped users to keep track of all the recorded information.

As per claims 3, 11, 19, and 27, Varga does not teach the device is an image forming device and the interface is an operation panel of the image forming device. The Examiner takes Official notice that the Varga's system for monitoring usage of an interface of a device and transmitting the monitored data to a remote location could have been implemented on an image forming device and it is just a field of use for the mentioned technique. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Varga's system for monitoring usage of an interface of a device and transmitting the monitored data to a remote location on an image forming device since it would have provided a self-monitoring image forming device.

As per claims 4, 12, 20, and 28, Varga teaches the device is an appliance and the interface is an operation panel of the appliance (e.g., fig. 1; the vending machine with plurality of interface operations such as *cash receiving 20* and *goods selection 45* are selected by a user).

As per claims 5, 13, 21, and 29, Varga teaches the communicating unit sends the log of the monitored data to a remote location (col. 3, lines 3-13); however, Varga does not explicitly disclose that the log data is sent when the user exits the device. The Examiner takes Official notice that scheduling of transmitting of log data is just a design choice and it would have been obvious to one of ordinary skill in the art to schedule the transmitting after the user exits the

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device. It would have been obvious to one of ordinary skill in the art at the time of the invention to include transmitting the log data after exiting the device in Varga's system since it would have allowed the system to collect all the user's selected information to the log file.

As per claims 6, 7, 14, 15, 22, 23, 30 and 31, Varga does not teach a setting unit configured to set a number of sessions of the device to be executed by the user prior to the communicating unit communicating the log of the monitor data, wherein the abstract class includes first and second derived classes, the first derived class storing data of one session and the second derived class storing data of the set number of sessions. The Examiner takes Official notice that setting a threshold for the device to be executed by a user prior to sending the monitored log data to a remote location is just a design choice and would have been obvious to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a setting unit configured to set a number of sessions of the device to be executed prior to sending out the monitored log data in Varga's system since it would have allowed a user to control when the monitored log data should be transmitting.

As per claim 8, 16, 24, and 32, Varga does not explicitly disclose the communicating unit communicated the log of the monitored data by Internet mail. However, Varga does teach the communicating unit communicates the log of the monitored data using modem transmission over telephone line (col. 6, lines 15-20). The Examiner takes Official notice that it would have been obvious to one of ordinary skill in the art to use Internet mail to communicate the log of the monitored data using Varga's modem transmission over telephone line. It would have been

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obvious to one of ordinary skill in the art at the time of the invention to use Internet mail for communicating the log of monitored data in Varga's modem transmission system since it would have sent the log data directly to the users' email system.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-9, 11-17, 19-25, and 27-32 have been considered but are moot in view of the new ground(s) of rejection.

Inquiries

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
January 5, 2006


WEILUN LO
SUPERVISORY PATENT EXAMINER